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*Attorneys for Defendants Westgate Resorts, Inc.  
and Westgate Las Vegas Resort, LLC*

*and Westgate Las Vegas Resort, Inc.  
d/b/a Westgate Las Vegas Resort*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

MELISSA SOLIS, individually,

**Plaintiff,**

V.

WESTGATE RESORTS, INC., a Delaware Corporation; WESTGATE LAS VEGAS RESORT, LLC d/b/a WESTGATE LAS VEGAS RESORT, a DOE INDIVIDUALS, I-X; and ROE CORPORATIONS I-X, inclusive.

## Defendants.

CASE NO. :

**DEFENDANTS' NOTICE OF REMOVAL OF  
ACTION TO FEDERL COURT PURSUANT TO  
U.S.C §1441(b)**

**TO: THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA:**

Defendants WESTGATE RESORTS, INC. AND WESTGATE LAS VEGAS RESORT, LLC d/b/a WESTGATE LAS VEGAS RESORT by and through their attorney of record, Larry Lum, Esq., Karen L. Bashor, Esq. and Chris J. Richardson, Esq., of the law firm of Wilson, Elser, Moskowitz, Edelman & Dicker LLP, petitions this Court for the removal of a pending action in the District Court of the State of Nevada in and for the County of Clark, to the United States District Court for the District of Nevada at Las Vegas, pursuant to 28 USC §1441(b), *et seq.*

As part of this Petition, Defendant/Petitioner demonstrates the following to the Court:

1. Plaintiff commenced this matter in the Eighth Judicial District Court, Clark County, State of Nevada, in Case No. A-22-850685, when she filed the Complaint on April 5, 2022. See Plaintiff's Summons and Amended Complaint setting forth her claims for relief is attached hereto as **Exhibit A**.

2. Defendant Westgate Las Vegas Resort, LLC d/b/a Westgate Las Vegas Resort was served with the Summons and Complaint on April 6, 2022 by service through its resident agent. *See* Notice of Service of Process dated April 6, 2022, along with the Summons and the proof of service attached as **Exhibit B**. Defendant Westgate Resorts, Inc. was also served with the Summons and Complaint April 6, 2022 by service through its resident agent. *See* Notice of Service of Process dated April 6, 2022, along with the Summons and the proof of service attached as **Exhibit C**.

3. Based on the Complaint, Plaintiff Melissa Solis claims she was injured during a July 17, 2022 alleged slip and fall at the Westgate Hotel and Casino. Plaintiff is suing for negligence and negligent hiring, training and supervision against both defendants (See **Exhibit A** at ¶¶15-26)

4. Although her Amended Complaint is silent as to her domicile, Plaintiff Melissa Solis is a resident of the State of California. Solis was a guest of the Westgate Hotel and Casino and presented a California driver's license. All of her medical treatment occurred in California with California medical providers.

5. Defendant Westgate Las Vegas Resort, LLC is a Delaware limited liability company. Defendant Westgate Las Vegas Resort, Inc. is a Delaware corporation. *See* Complaint, ¶2, attached as **Exhibit A.**

6. Plaintiff claims that she sustained injuries incurred as a result of a slip and fall at the Westgate Hotel Resort and Casino. She is claiming "permanent and disabling" injuries to her lumbar spinal region, left knee, regional pain in her left lower limb, right shoulder bursitis, right shoulder impingement, left ankle fusion, anxiety disorder, cervical ligament sprain, strain in the right back shoulder, muscle spasms, among other injuries.

According to a pre-litigation demand letter served by Plaintiff, Plaintiff is claiming to have incurred past medical expenses of \$90,845.24. She is also claiming total future medical expenses

in the range of \$158,480 - \$191,000. Alleged future medical treatment consists of facet injections, joint injections, shoulder surgery, PRP injections and other consultation and diagnostic techniques. Conservatively, she is seeking special damages in the amount of \$249,325.24, exclusive of any potential general damages.

7. This Court has original jurisdiction over the subject matter of this action under the provisions of section §1332 of Title 28 U.S.C., in that there is complete diversity between the parties, and more than \$75,000.00 in controversy, exclusive of interest and costs. Pursuant to §1441 of Title 28 U.S.C., Defendant/Petitioners WESTGATE RESORTS, INC. AND WESTGATE LAS VEGAS RESORT, LLC d/b/a WESTGATE LAS VEGAS RESORT are entitled to remove the action to this Court.

8. A true and correct copy of this Notice of Removal is being filed this date with the Clerk of the Court for the Eighth Judicial District Court of Clark County, Nevada and is attached hereto as **Exhibit D**.

DATED this 27th day of April, 2022.

**WILSON, ELSER, MOSKOWITZ,  
EDELMAN & DICKER LLP**

By: /s/ Karen L. Bashor  
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## **CERTIFICATE OF SERVICE**

Pursuant to FRCP 5(b), I certify that I am an employee of Wilson Elser Moskowitz Edelman & Dicker LLP, and that on this 27th day of April, 2022, I served a true and correct copy of the **DEFENDANTS' NOTICE OF REMOVAL** of Action to federal court pursuant to **28 U.S.C §1441(b)**

as follows:

- via electronic means by operation of the Court's electronic filing system, upon each party in this case who is registered as an electronic case filing user with the Clerk
  - by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada

By:

/s/ Katie Brooks  
An Employee of WILSON ELSER MOSKOWITZ  
EDELMAN & DICKER LLP